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Yonatan P. STERN et al

Filed: November 17, 2000

Group Art Unit: 2176

Attorney
Docket: 24614

REQUEST FOR REFUND UNDER 37 CFR 1.26

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on April 13, 2006.

Applicant, through error and mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

These authorized charges were then debited from Applicant's Deposit Account 501407. It is requested that these excess charges, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the errors are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as \$ 375 for 15 additional claims over 20, and \$200 for 2 additional independent claims over 3, even though the above claims had been previously been paid for and no new claims

over those previously paid for were introduced with the filing of the RCE. These charges were debited on April 14, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached April 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Codes 2201 and 2202) were not required and paid by mistake.

A refund of \$ 575 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

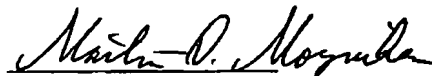
Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account.

This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted;



Martin Moynihan,
Registration No. 40,338

Date: October 30, 2007



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/30 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/714,207
	Filing Date	November 17, 2000
	Examiner Name	Quoc A. Tran
	First Named Inventor	Yonatan P. STERN
	Group Art Unit	2176
	Attorney Docket Number	24614

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

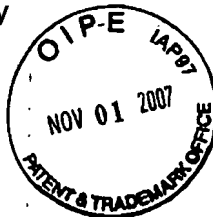
1. **Submission required under 37 C.F.R. § 1.114**
 - a. ☒ Previously submitted
 - i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on February 10, 2006
 (Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - b. ☒ Enclosed
 - i. ☐ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☒ Other Three (3) Month Extension fee
 - v. ☐ Other _____
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for
 a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
			RATE	FEE	RATE	FEE
Request for Continued Examination (RCE)			1	\$ 395		\$ 790
Multiple Dependent Claims			0 x \$ 180	\$ 0	\$ 360	\$
Total Claims	35 - 20 =	15	15 x \$ 25	\$ 375	\$50	\$
Independent Claims*	5 - 3 =	2	2 x \$ 100	\$ 200	\$200	\$
			TOTAL	\$970	TOTAL	\$

☒ The Commissioner is hereby authorized to charge \$970.- filing fees to Deposit Account No. 50-1407. In the event additional fees are required, please charge these additional fees to Deposit Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature		Date	April 11, 2006


**United States
Patent and
Trademark Office**


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Page**Deposit Account Statement**

Requested Statement Month: April 2006
Deposit Account Number: 501407
Name: G E EHRLICH (1995) LTD.
Attention: A J CASTORINA
Address: 2001 JEFFERSON DAVIS HIGHWAY
City: ARLINGTON
State: VA
Zip: 22202
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/03	8	11390301	30764	8021	\$40.00	\$117,357.55
04/03	2	10559929	30800	1641	-\$100.00	\$117,457.55
04/03	3	10559929	30800	2641	\$50.00	\$117,407.55
04/03	31	11390372	29533	8021	\$40.00	\$117,367.55
04/03	4	10561839	30024	2632	-\$250.00	\$117,617.55
04/03	5	10561839	30024	2641	\$50.00	\$117,567.55
04/03	203	60778383	31674	8021	\$40.00	\$117,527.55
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04/03	205	6363482	00/21307	8021	\$40.00	\$117,447.55
04/03	206	10561220	30698	8021	\$40.00	\$117,407.55
04/03	207	11328221	31290	8021	\$40.00	\$117,367.55
04/03	208	60774672	31614	8021	\$40.00	\$117,327.55
04/03	209	60774191	31596	8021	\$40.00	\$117,287.55
04/03	210	60774647	31619	8021	\$40.00	\$117,247.55
04/03	211	11354930	31206	8021	\$40.00	\$117,207.55
04/03	243	10851667	28030	8021	\$40.00	\$117,167.55
04/03	188	60655842	28988(31808)	8007	\$20.00	\$117,147.55
04/03	189	60708765	30192(31426)	8007	\$20.00	\$117,127.55
04/03	460	PCT/IL05/00735	28367	1605	\$600.00	\$116,527.55
04/03	461	PCT/IL05/00735	28367	1705	\$155.00	\$116,372.55
04/03	190	60708765	30192(31427)	8007	\$20.00	\$116,352.55
04/03	124	10130150	02/23831	2252	\$225.00	\$116,127.55
04/04	164	10333680	25254	2252	\$225.00	\$115,902.55
04/05	7	11395168	30621	2011	\$150.00	\$115,752.55
04/05	8	11395168	30621	2111	\$250.00	\$115,502.55
04/05	10	11395168	30621	2202	\$75.00	\$115,427.55
04/05	9	11395168	30621	2311	\$100.00	\$115,327.55
04/05	14	11395172	31696	2011	\$150.00	\$115,177.55
04/05	16	11395172	31696	2311	\$100.00	\$115,077.55
04/05	15	11395172	31696	2111	\$250.00	\$114,827.55

04/11 113	10574405	31689	8021	\$40.00	\$105,837.55
04/11 192	11400225	31440	2011	\$150.00	\$105,687.55
04/11 193	11400225	31440	2111	\$250.00	\$105,437.55
04/11 194	11400225	31440	2311	\$100.00	\$105,337.55
04/11 215	11400224	30615	2011	\$150.00	\$105,187.55
04/11 216	11400224	30615	2111	\$250.00	\$104,937.55
04/11 218	11400224	30615	2202	\$750.00	\$104,187.55
04/11 219	11400224	30615	2201	\$1,100.00	\$103,087.55
04/11 217	11400224	30615	2311	\$100.00	\$102,987.55
04/12 75	60790549	31458	2005	\$100.00	\$102,887.55
04/12 77	60790548	31863	2005	\$100.00	\$102,787.55
04/12 78	60790547	31856	2005	\$100.00	\$102,687.55
04/12 90	60790534	31842	2005	\$100.00	\$102,587.55
04/12 91	60790533	31543	2005	\$100.00	\$102,487.55
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04/12 194	60734286	31148(31287)	8007	\$20.00	\$99,697.55
04/12 224	60671456	31825(31826)	8007	\$20.00	\$99,677.55
04/12 88	60790811		1005	\$200.00	\$99,477.55
04/13 50	60789921	31810	8021	\$40.00	\$99,437.55
04/13 238	10574462	31363	2631	\$150.00	\$99,287.55
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04/13 242	10574462	31363	8021	\$40.00	\$99,147.55
04/13 241	10574462	31363	2615	\$75.00	\$99,072.55
04/13 239	10574462	31363	2632	\$250.00	\$98,822.55
04/13 172	60671546	31825(31826)	8007	\$20.00	\$98,802.55
04/13 139	60790548	31863	8021	\$40.00	\$98,762.55
04/13 140	60790534	31842	8021	\$40.00	\$98,722.55
04/13 165	11400225	31440	8021	\$40.00	\$98,682.55
04/14 8	10377648	25749	2252	\$225.00	\$98,457.55
04/14 9	10377648	25749	1806	\$180.00	\$98,277.55
04/14 83	09714207	24614	2801	\$395.00	\$97,882.55
04/14 84	09714207	24614	2202	\$375.00	\$97,507.55
04/14 85	09714207	24614	2201	\$200.00	\$97,307.55
04/14 86	09714207	24614	2253	\$450.00	\$96,857.55
04/14 512	PCT/IL05/01199	30406	1605	\$600.00	\$96,257.55
04/14 513	PCT/IL05/01199	30406	1705	\$155.00	\$96,102.55
04/14 142	60791437	31868	2005	\$100.00	\$96,002.55
04/17 106	11402962	31694	1011	\$300.00	\$95,702.55
04/17 108	11402962	31694	1311	\$200.00	\$95,502.55
04/17 107	11402962	31694	1111	\$500.00	\$95,002.55
04/17 160	11347254	31416	2051	\$65.00	\$94,937.55
04/17 172	60791908	31838	1005	\$200.00	\$94,737.55
04/17 98	60671500	28366(31865)	8007	\$20.00	\$94,717.55
04/18 13	1454752	30059(31877)	8007	\$20.00	\$94,697.55
04/18 52	6466633		2551	\$450.00	\$94,247.55
04/18 53	5842996		2552	\$1,150.00	\$93,097.55
04/18 54	5845529		2552	\$1,150.00	\$91,947.55
04/18 68	11395172	31696	1464	\$130.00	\$91,817.55
04/19 1	10851132	27960 (29494)	2814	\$65.00	\$91,752.55



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04/14/2006 SDENBOB1 00000057 501407 09714207
01 FC:2801 395.00 DA
02 FC:2202 375.00 DA
03 FC:2201 200.00 DA

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Martin D. Moynihan	Registration No. (Attorney/Agent)	40,338
Signature		Date	April 11, 2006

Adjustment date: 11/30/2007 SFELEKE1
04/14/2006 SDENBOB1 00000057 501407 09714207
02 FC:2202 375.00 CR
03 FC:2201 200.00 CR